

In the Supreme Court of the State of Alaska

Nick Nicoli,

Petitioner,

v.

State of Alaska,

Respondent.

Supreme Court No. **S-18493**

Order

Motion to Reduce Filing Fee under
AS 09.19.010

Date of Order: **8/23/2022**

Court of Appeals No. **A-13373**

Trial Court Case No. **3DI-13-00028CI**

The Petitioner, Nick Nicoli, moves for an exemption from the filing fee for his petition. This case, a prisoner's civil petition against the State of Alaska, is governed by the provisions of AS 09.19. Under AS 09.19.010(d), even when a prisoner cannot afford to pay the normal filing fee, the filing fee must be at least 20 percent of (1) the average monthly amount of deposits to the prisoner's account during the preceding six months or (2) the average monthly balance of the prisoner's account during the preceding six months, whichever is greater.

Based on the financial information provided by the Petitioner, the greater figure is twenty percent of the average monthly balance of the prisoner's account: \$783.15. It is the practice of this Court to round the minimum filing fee down to the nearest 25 cents. In Mr. Nicoli's case, this yields a minimum filing fee of \$783.00. Because this amount is much higher than the usual filing fee, Mr. Nicoli will be required to pay the usual filing fee of \$250.00.

Accordingly, **IT IS ORDERED:**

1. Mr. Nicoli's motion for an exemption from the normal filing fee is **DENIED.**

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2. Mr. Nicoli shall pay the full filing fee in the amount of **\$250.00**. This fee must be paid within 30 days of this order - **9/22/2022**. If there is good reason, the Court may grant an extension of this deadline. If Mr. Nicoli fails to pay the filing fee within the time allowed, this petition may be rejected for filing and this case will be closed.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts


Julie Kentch, Deputy Clerk

cc: Nick Nicoli at Palmer Correctional Center

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